[1] S.B. Civil Writ Petition No.6924/05
Smt. Rajni Sikarwar
Vs.
Director, Elementary Education & Anr.

[2] S.B. Civil Writ Petition No.6935/05
Smt. Satesh Kumari
Vs.
Director, Elementary Education & Anr.

[3] S.B. Civil Writ Petition No.6236/05
Smt. Saroj Sharma & Anr. Vs. RPSC & Anr.

[4] S.B. Civil Writ Petition No.6289/05
Kumari Madhulata Vs. State & Anr.

[5] S.B. Civil Writ Petition No.6618/05
Smt. Sunita Sethi & Anr.
Vs.
Director, Elementary Education & Anr.

[6] S.B. Civil Writ Petition No.9783/05
Smt. Sunita Devi Vs. State & Anr.

[7] S.B. Civil Writ Petition No.6494/05
Smt. Sumanlata Jain
Vs.
The Controller Officer-cum-Dy. Director & Anr.

[8] S.B. Civil Writ Petition No.6498/05
Poonam Sikarwar Vs. State & Anr.

[9] S.B. Civil Writ Petition No.6938/05
Manju Kumari Joshi Vs. RPSC & Anr.

[10] S.B. Civil Writ Petition No.6496/05
Smt. Suman
Vs.
Director, Elementary Education & Anr.

[11] S.B. Civil Writ Petition No.459/06
Smt. Meena Kumari Jain Vs. State & Anr.

[12] S.B. Civil Writ Petition No.8461/05
Smt. Bandana @ Vandana
Vs.
The Director [Commissioner] Elementary Education & Anr.

[13] S.B. Civil Writ Petition No.6316/05
Dr. Vandana Kaswan
Vs.
The Director, Elementary Education & Anr.

[14] S.B. Civil Writ Petition No.7334/05
Smt. Alka Sharma Vs. State & Anr.

[15] S.B. Civil Writ Petition No.5372/05
Smt. Sunita Vs. State & Anr.

[16] S.B. Civil Writ Petition No.9520/05
Rajani Vs. State & Ors.

[17] S.B. Civil Writ Petition No.6293/05.
Sulekha Dadhich Vs. RPSC. Ajmer & Ors.

[18] S.B. Civil Writ Petition No.4404/05
Shri Vijay Singh. Vs. RPSC., Ajmer & Ors.

[19] S.B. Civil Writ Petition No.7410/05
Smt.Anita Jain Vs. R.P.S.C., Ajmer & Anr.

[20] S.B. Civil Writ Petition No.5529/05
Poonam Bist.
Vs.
The Director, Elementary Education.& Ors.

[21] S.B. Civil Writ Petition No.6743/05
Smt. Neelam Choudhary Vs. R.P.S.C., Ajmer & Anr.

[22] S.B. Civil Writ Petition No.4850/05
Miss Mina Babli Bai Vs. State & Ors.

[23] S.B. Civil Writ Petition No.6227/05
Smt. Pramila Vs. RPSC, Ajmer & Anr.

[24] S.B. Civil Writ Petition No.6323/05
Smt. Sheela Panwar Vs. State & Ors.

[25] S.B. Civil Writ Petition No.5977/05
Smt. Rekha Sharma Vs. State & Ors.

[26] S.B. Civil Writ Petition No.5756/05
Miss Jyoti Gunrat Vs. RPSC, Ajmer.

[27] S.B. Civil Writ Petition No.5196/05
Vandana Pachori Vs. State & Ors.

Date of Order : 01/05/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Dharamveer Tholia] for petitioners
Mr. Rohitashw Kajla]
Mr. Ram Pratap Saini]
Mr. S.S. Raghawa] for respondents
Mr. G.S. Gill, AAG]

All these petitions involve a common question and are decided by a common order.

The post of Primary School Teacher, which is included in the schedule appended to Rajasthan Panchayati Raj Rules, 1996, has been advertised by the respondents only for widows/divorcee women. All these petitioners submitted their application, but after their merit was assessed by the competent authority, their candidature has been rejected on the premise that they have not qualified English/Maths subjects, which is requirement under Rule 266 of Rules, 1996

Contention of counsel for petitioners is that there is no requirement under rule to qualify their subjects at the secondary level as referred to under Rule 266 and all the petitioners appeared in three subjects and passed secondary school examination as per norms laid down by their respective statutory Boards, which is recognised by the State of Rajasthan and is equivalent to Board of Secondary Education, Rajasthan, Ajmer. As such, merely because if norms of their respective Boards do not require to qualify all the three subjects, at least they cannot be deprived of their fair right of consideration for the post in question.

Counsel for respondents has brought to my notice the judgment of this court in C.W. No.2235/05 and 10 other writ petitions, which was decided at the Main Seat, at Jodhpur vide judgment dt.16th February, 2006 dealing with the same question involved in the present writ petition.

Counsel for respondents submits that in view of judgment passed by this court where all submissions made, have been taken note of, hence, the present writ petitions be decided in the light of judgment [supra].

Counsel for petitioner admits so far as the judgment passed by the Co-ordinate Bench of this court [supra] is concerned, but submits that the view, which has been expressed, requires re-consideration in the light of submission made.

Counsel for petitioners further submits that almost all petitioners herein during pendency appeared in their respective subjects English/Maths and in due course of time, the result of same will also be declared by the respective Boards and more than 835 vacancies advertised in terms of advertisement dt.9th April, 2005 are available, atleast it may be observed that the respondents may consider their candidature,

if they qualify the concerned subject since their names find place in the order of merit and because of this impediment alone, they will be deprived of their fair right of consideration.

Counsel for respondents submits that the eligibility is to be looked into on the last date of advertisement and even if petitioners have acquired eligibility under law at a later stage, that can only make them eligible to participate in the future selection process, if initiated, but not in the process impugned under the present advertisement.

In my opinion, all submissions made by the counsel have been elaborately considered by the Co-ordinate Bench of this court in the judgment referred to supra and I am in full agreement with the view expressed.

Accordingly, in the light of judgment of this court in C.W. No.2235/05 and 10 Ors., decided on dt.16th February, 2006, all the writ petitions stand dismissed.

However, I may observe that these vacancies were advertised by the respondents for widows/divorcee as a special measure to provide them employment and in view

of Rule 296 of Rules, 1996, the Government will be free to consider their eligibility acquired at a later stage in reference to advertisement in question and dismissal of writ petitions will not come in the way of the Government for sympathetic consideration of their eligibility acquired after date of advertisement.

[Ajay Rastogi],J.

FRB